

GENERAL DOCKET FOR
Second Circuit Court of Appeals

Court of Appeals Docket #: 00-6269

Filed: 9/6/00

Nsuit: 1890 STATUTES-Other

Mikes v. Straus, et al

Appeal from: U.S. District Court SDNY

Case type information:

- 1) Civil
- 2) USA as party
- 3) none

Lower court information:

District: 0208-02: 92-cv-2754
Trial Judge: Colleen McMahon
Date Filed: 4/16/92
Date order/judgment: 8/7/00
Date NOA filed: 9/1/00

Fee status: paid

Prior cases:

None

Current cases:

	Lead Member	Start	End
Cross-appeal:			
	00- 6269	00- 6270	9/8/00

Panel Assignment:

Panel: RJC FIP ADS 1705 :CA2 5/23/01 am
Date of decision: 12/19/01

Proceedings include all events
00-6259 Mikes v. Straus et al.

LEAD HEARD
CLOSED C01516
LG 006 4

PATRICIA S. MIKES, U.S. Gov't.
Ex Rel., Patricia S. Mikes
Plaintiff-Appellant-Cross-Appellee

MARC J. STRAUS
Defendant-Appellee-Cross-Appellant

JEFFREY AMBINDER
Defendant-Appellee-Cross-Appellant

ELIOT L. FRIEDMAN
Defendant-Appellee-Cross-Appellant

v.

UNITED STATES
Amicus Curiae

TAXPAYERS AGAINST FRAUD, The
False Claims Act Legal Center
Amicus Curiae

AMERICAN ASSOCIATION FOR RESPIRATORY CARE
Amicus Curiae

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Proceedings include all events
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CLOSED C01516
LG 006 4

Official Caption 1/

Docket No. [s] : 00-6269 Lead, 00-6270 XAP

PATRICIA S. MIKES, U.S. Gov't. Ex Rel., Patricia S. Mikes,

Plaintiff-Appellant-Cross-Appellee,

v.

MARC J. STRAUS, JEFFREY AMBINDER, ELIOT L. FRIEDMAN,

Defendants-Appellees-Cross-Appellants.

Authorized Abbreviated Caption 2/

Docket No. [s] : 00-6269(L), 00-6270(XAP)

Mikes v. Straus

1/ Fed. R. App. P. Rule 12 [a] and 32 [a].
2/ For use on correspondence and motions only.

9/6/00 Copy of notice of appeal and district court docket entries on behalf of Appellant-Cross-Appellee Patricia S. Mikes, Appellee-Cross-Appellants Marc J. Straus, Jeffrey Ambinder, Eliot L. Friedman filed. [00-6269] Form C due on 9/11/00, Form D due on 9/11/00. (1135) [00-6269]

9/6/00 Copy of receipt re: payment of docketing fee filed in the District Court on behalf of Appellant-Cross-Appellee Patricia S. Mikes receipt #: 373726. [00-6269] (ag42) [00-6269]

9/6/00 Appellant-Cross-Appellee Patricia S. Mikes Form C filed, with proof of service. [00-6269] Form C deadline satisfied. (ag42) [00-6269]

9/6/00 Appellant-Cross-Appellee Patricia S. Mikes Form D filed, with proof of service. [00-6269] Form D deadline satisfied. (ag42) [00-6269]

9/6/00 Copy of district court order dated 06/02/00, endorsed by Hon. Colleen McMahon, USDJ, RECEIVED. (ag42) [00-6269]

9/6/00 Copy of district court judgment dated 08/02/00, endorsed by Hon. Colleen McMahon, USDJ, RECEIVED. (ag42) [00-6269]

9/6/00 Note PRIOR case number(s): 00-7100 (ag42) [00-6269]

9/8/00 Copy of notice of appeal and district court docket entries on behalf of Appellees-Cross-Appellants Marc J. Straus, Jeffrey Ambinder and Eliot L. Friedman in 00-6270 filed. [00-6270, 00-6269] Form C due on 9/18/00 in 00-6270. Form D due on 9/18/00 in 00-6270. (ag42) [00-6269]

9/8/00 Copy of notice of appeal and district court docket entries on behalf of Appellees-Cross-Appellants Marc J. Straus, Jeffrey Ambinder and Eliot L. Friedman in 00-6270 filed. [00-6270] Form C due on 9/18/00. Form D due on 9/18/00. (ag42) [00-6270]

9/8/00 Copy of receipt re: payment of docketing fee filed on behalf of Appellees-Cross-Appellants Marc J. Straus, Jeffrey Ambinder and Eliot L. Friedman in 00-6270 receipt #: E373750. [00-6270, 00-6269] (ag42) [00-6269 00-6270]

9/8/00 Copy of district court order dated 06/02/00, endorsed by Hon. Colleen McMahon, USDJ, RECEIVED. (ag42) [00-6269 00-6270]

9/8/00 Copy of district court judgment dated 08/07/00, endorsed by Hon. Colleen McMahon, USDJ, RECEIVED. (ag42) [00-6269 00-6270]

9/8/00 Appellees-Cross-Appellants Marc J. Straus, Jeffrey Ambinder and Eliot L. Friedman in 00-6270, Form C filed, with proof of service. [00-6270, 00-6269] Form C deadline satisfied. (ag42) [00-6269 00-6270]

9/8/00 Appellees-Cross-Appellants Marc J. Straus, Jeffrey Ambinder and Eliot L. Friedman in 00-6270, Form D filed, with proof of service. [00-6270, 00-6269] Form D deadline satisfied. (ag42) [00-6269 00-6270]

9/20/00 Letter received (ag42) [00-6269]

9/20/00 FOR A LIST OF COMPLETE DOCKET ENTRIES PLEASE SEE THE LEAD APPEAL, DOCKET NUMBER Lead Number: 00-6269. (ag42) [00-6269 00-6270]

9/28/00 Notice of appeal acknowledgment letter from David J. Meiselman for Appellee-Cross-Appellants Eliot L. Friedman, Jeffrey Ambinder and Marc J. Straus received. (ag42) [00-6269 00-6270]

10/2/00 Notice of appeal acknowledgment letter from Harold R. Burke for Appellant-Cross-Appellee Patricia S. Mikes in 00-6269 received. (ag42) [00-6269]

10/26/00 Pre-Argument Conference Notice and Order for Thursday November 9, 2000 a 10:00 a.m. from Lisa Greenberg filed. (ag42) [00-6269]

10/26/00 Scheduling order #1 filed. Record on appeal due on 11/23/00. Appellant's brief and appendix due on 11/30/00. Appellee's brief due on 1/2/01, . Argument as early as week of 2/26/01. Pre- Argument Conference scheduled for Thur. Nov. 9, 2000 at 10:00 a.m.). (ag42) [00-6269]

11/16/00 First pre-argument conference held by Staff Counsel LG. (1167) [00-6269 00-6270]

11/17/00 New scheduling order number 2 filed. New record on appeal due date is 12/8/00. New appellant's brief due date is 12/15/00. New appellee's brief due date is 2/16/01. New appellant's reply brief due date is 3/2/01. New argument week as early as 4/16/01. (ag42) [00-6269]

11/20/00 Notice to counsel re: New scheduling order filed. (ag42) [00-6269]

12/12/00 Record on appeal index in lieu of record filed. (ag42) [00-6269]

12/12/00 1 supplemental index in lieu of supplemental record filed. (ag42) [00-6269]

12/16/00 Movant Taxpayers Againsts F in 00-6269 motion to file brief as amicus curiae FILED (w/pfs). [1761517-1] (ag42) [00-6269]

12/18/00 Appellant-Cross-Appellee Patricia S. Mikes in 00-6269 motion for leave to file addendum to the brief FILED (w/pfs). [1757676-1] (ag42) [00-6269]

12/18/00 Appellant-Cross-Appellee Patricia S. Mikes in 00-6269 brief RECEIVED. Problem: motion needed for addendum. (ag42) [00-6269]

12/18/00 Appellant-Cross-Appellee Patricia S. Mikes in 00-6269 appendix/addendum received. Problem: pages not numbers (ag42) [00-6269]

12/22/00 Order FILED GRANTING motion for leave to file an addendum to the brief [1757676-1] by Appellant-Cross-Appellee Patricia S. Mikes, endorsed on motion form dated 12/18/00. (ag42) [00-6269]

12/22/00 Amicus Curiae United States in 00-6269 brief received. Problem: appellants brief not filed. (ag42) [00-6269]

12/26/00 Notice to counsel re: Order dated 12/22/00. (ag42) [00-6269]

12/26/00 Appellant-Cross-Appellee Patricia S. Mikes in 00-6269 motion to waive page numbering requirements for filing of appendix FILED (w/pfs). [1761265-1] (ag42) [00-6269]

12/26/00 New party added: Taxpayers against Fraud entered as movants. (ag42) [00-6269]

12/26/00 Movant Taxpayers Againsts F in 00-6269 brief received. Problem: Motion needed to become Amicus Curiae. (ag42) [00-6269]

12/27/00 New party added: American Association for Respiratory Care. (ag42) [00-6269]

12/27/00 Movant American Association in 00-6269 motion to file brief as amicus curiae and to file amicus brief late FILED (w/pfs). [1762289-2] (ag42) [00-6269]

1/2/01 Order FILED GRANTING motion to waive page numbering requirements of appendix [1761265-1] by Appellant-Cross-Appellee Patricia S. Mikes, endorsed on motion form dated 12/26/00. Before RAK, CJJ, for the court by AMH, AA. (ag42) [00-6269]

1/2/01 Order FILED GRANTING motion to file brief as amicus curiae [1761517-1] by Movant Taxpayers Against Fraud, endorsed on motion form dated 12/16/00. Before RAK, CJJ, for the court by AMH, AA. (ag42) [00-6269]

1/2/01 Appellant-Cross-Appellee Patricia S. Mikes brief FILED with proof of service. (ag42) [00-6269]

1/2/01 Appellant-Cross-Appellee Patricia S. Mikes in 00-6269 appendix filed w/pfs. Number of volumes; 6. (ag42) [00-6269]

1/2/01 Amicus Curiae United States in 00-6269 brief filed with proof of service. (ag42) [00-6269]

1/2/01 Amicus Curiae Taxpayers Againsts Fraud in 00-6269 brief filed with proof of service. (ag42) [00-6269]

1/3/01 Notice to counsel re: Order dated 01/02/01. (ag42) [00-6269]

1/3/01 Notice to counsel re: Order dated 01/02/01 granting amicus brief. (ag42) [00-6269]

1/3/01 Appellee-Cross-Appellants Marc J. Straus, Jeffrey Ambinder and Eliot L. Friedman affidavit in opposition to motion to file brief as amicus curiae [1762289-1] and in opposition to motion to file late [1762289-2]. filed (w/pfs). (ag42) [00-6269]

1/5/01 Movant American Association in 00-6269 brief received. Problem: motion pending. (ag42) [00-6269]

1/5/01 Movant American Association in 00-6269 motion for admission pro hac vice of: Anthony L. DeWitt FILED (w/pfs). [1767567-1] (ag42) [00-6269]

1/10/01 Appellee-Cross-Appellants Marc J. Straus, Jeffrey Ambinder and Eliot L. Friedman affidavit in opposition to motion to file brief as amicus curiae [1762289-1] and in opposition to motion to file late [1762289-2] filed (w/pfs). (ag42) [00-6269]

1/10/01 Order FILED GRANTING motion for admission pro hac vice [1767567-1] by Movant American Association, endorsed on motion form dated 1/5/01. For the court by AMH, AA. (ag42) [00-6269]

1/11/01 Notice to counsel re: Order dated 1/05/01. (ag42) [00-6269]

1/11/01 Order FILED GRANTING motion to file brief as amicus curiae [1762289-1] and GRANTING motion to file late [1762289-2] by Movant American Association for Respiratory care, endorsed on motion form dated 12/27/00. Before SS, CJJ, for the court by AMH, AA. (ag42) [00-6269]

1/11/01 Amicus Curiae American Association in 00-6269 brief filed with proof of service. (ag42) [00-6269]

1/12/01 Notice to counsel re: Order dated 01/11/01. (ag42) [00-6269]

1/18/01 New scheduling order number 3 filed. New appellee's brief due date is 3/9/01. New appellant's reply brief due date is 3/23/01. New argument week as early as 4/16/01. (ag42) [00-6269]

1/18/01 Notice to counsel re: New scheduling order (ag42) [00-6269]

2/12/01 Appellee-Cross-Appellants Marc J. Straus, et. al. motion for leave to file oversized brief FILED (w/pfs). [1792487-1] (ag42) [00-6269]

2/23/01 Order FILED GRANTING motion for leave to file oversized brief [1792487-1] by Appellee-Cross-App Marc J. Straus, Jeffrey Ambinder, Eliot L. Friedman, only to the extent that the brief shall not exceed 21,000 words endorsed on motion form dated 2/12/01. For the court by LG, SC. (ag42) [00-6269]

2/27/01 Notice to counsel re: Order dated 02/23/01. (ag42) [00-6269]

3/9/01 Appellee-Cross-Appellants Marc J. Straus et. al. brief filed with proof of service. (ag42) [00-6269]

3/16/01 New scheduling order number 4 filed. New appellant's reply brief and brief in opposition to the cross appeal due date is 3/30/01. It is further ordered that the appellees shall file any reply brief on or before 04/13/01. New argument week as early as 4/30/01. (ag42) [00-6269]

3/16/01 Notice to counsel re: Order dated 03/16/01. (ag42) [00-6269]

3/16/01 New party added: American Medical Association, et. al. added as amicus curiae. (ag42) [00-6269]

3/16/01 Amicus Curiae AMA et. al. brief filed with proof of service. (ag42) [00-6269]

3/28/01 Proposed for argument the week of 5/21/01 B PANEL. (ca91) [00-6269]

4/2/01 Appellant-Cross-Appellee Patricia S. Mikes in 00-6269 reply brief filed with proof of service. Satisfy appellant's reply brief due. (ag42) [00-6269]

4/5/01 Appellee-Cross-Appellants Marc J. Straus, et. al. motion to extend time to file reply brief FILED (w/pfs). [1825517-1] (ag42) [00-6269]

4/10/01 Amicus Curiae United States in 00-6269 28(J) letter FILED. (ag42) [00-6269]

4/13/01 Set for argument on 5/23/01 B PANEL . [00-6269] (ca91) [00-6269]

4/13/01 Appellee-Cross-Appellant Marc J. Straus et. al., reply brief received. Problem: motion pending. (ag42) [00-6269]

4/24/01 Order FILED GRANTING motion for extended time to file reply brief[1825517-1] by Appellee-Cross-App Marc J. Straus, Jeffrey Ambinder, Eliot L. Friedman, endorsed on motion form dated 4/5/01. (ca96) [00-6269]

4/24/01 Appellant-Cross-Appellee Patricia S. Mikes in 00-6269 reply brief filed with proof of service. (ca96) [00-6269]

4/26/01 Notice to counsel/Parties re: Order. (ca96) [00-6269]

5/3/01 Amicus Curiae United States in 00-6269 motion to participate in oral argument FILED (w/pfs). [1845283-1] (ag42) [00-6269]

5/9/01 Order FILED GRANTING motion to participate in oral argument with allotted time of 3 minutes; appellant's (Mikes) argument time is reduced by 3 mins to 9 mins. The govt is allocated 3 mins to argue [1845283-1] by Amicus Curiae United States, endorsed on motion form dated 5/3/01(FOR THE COURT-AV). (ca91) [00-6269]

5/9/01 Amicus Curiae AMA in et. al. motion to allow oral argument FILED (w/pfs). [1849874-1] (ag42) [00-6269]

5/14/01 Amicus Curiae AMA, et. al. motion for admission pro hac vice of: Jessie K. Liu FILED (w/pfs). [1852142-1] (ag42) [00-6269]

5/17/01 Order FILED GRANTING motion to allow oral argument [1849874-1] by Amicus Curiae AMA, Medical Society, American Academy of, American Academy of, American Association, American College of, American Society of, Association of Ameri; Amicus is granted 3 minutes of appellees time, endorsed on motion form dated 5/9/01(FOR THE COURT-AV).

5/17/01 Notice to counsel re:order dated 5/17/01. (ca91) [00-6269]

5/18/01 Order FILED GRANTING motion for admission pro hac vice [1852142-1] by Amicus Curiae AMA, Medical Society, American Academy of, American Academy of, American Association, American College of, American Society of, Association of Ameri, endorsed on motion form dated 5/14/01(FOR THE COURT-AV). (ca91) [00-6269]

5/23/01 Case heard before CARDAMONE, PARKER C.JJ., SPATT D.J. (TAPE: #46) (ca95) [00-6269]

6/6/01 Record on appeal filed. (Original papers of district court.) Number of volumes: 2 (rev) [00-6269 00-6270]

12/19/01 Judgment of the district court is AFFIRMED by published signed opinion filed. (RJC) [00-6269] (ag44)[00-6269]

12/19/01 Judgment filed. [Entry Date: 12/19/01] (ag44) [00-6269]

12/19/01 Judgment of the district court is AFFIRMED by published signed opinion filed. (RJC) [00-6270] (ag44) (00-6270]

12/19/01 Judgment filed. [Entry Date: 12/19/01] (ag44) [00-6270]

12/19/01 Notice Regarding opinion, dated 12/19/01, forwarded to counsels. (ag44) [00-6269]

12/19/01 Letter from the attorney for the appellee-cross-appellants re: Opinion filed in the sixth circuit, received. (ag42) [00-6269]

1/3/02 Note: The OPINION PRICE is \$ 6.80 (rek) [00-6269]

2/15/02 Judgment MANDATE ISSUED. (ag42) [00-6269]

2/20/02 Acco received in records room from team. (rer) [00-6269]

2/27/02 Mandate receipt returned from the district court. (rer) [00-6269]